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To: 'microsoft.atr(a)usdoj.gov'
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Subject: Microsoft Settlement

The currently proposed settlement with the Microsoft corporation is a travesty of justice for consumers worldwide. Microsoft's constant maneuvering and anticompetitive practices must be stopped if we are to ever have alternatives in the software market.

Attorney General John Ashcroft could not be farther from wrong in stating that this decision will end "Microsoft's unlawful conduct." This decision will have little to no impact on Microsoft's damaging and illegal business practices.

The settlement, most significantly, fails to restrict Microsoft from including anticompetitive terms in its licensing agreements. Microsoft would still be permitted to restrict what types of applications run on Windows, as well as making it illegal to run Microsoft applications on any other operating system. This convenient non-restriction of licensing directly goes against the nature of this settlement: it does not stop Microsoft from continuing anticompetitive business practices.

It has been shown in court that Microsoft has purposely induced software incompatibilities in order to harm a competitor's product. Why does this settlement take no stance in forbidding these intentional attacks on Microsoft's competing software providers?

This settlement fails to protect Original Equipment Manufacturers (OEMs) from retaliation by Microsoft that would negatively affect their businesses. The settlement would allow for Microsoft's continued persecution of OEMs that choose to ship computer systems that are not re-installed with a Microsoft operating system. If there is to be any change in the consumer market, OEMs must be allowed to offer consumers viable choices without fear of retribution from Microsoft. This settlement needs to contain provisions to that effect.

Also, the settlement does very little to extend the provisions of this settlement to Microsoft products developed in the future, allowing illegal anticompetitive practices to continue with new versions of Windows and Windows-based products, such as Windows XP Tablet PC Edition, Windows CE, Pocket PC, or the X-Box -- operating systems that all use the Win32 API and are advertised as being "Windows Powered."

The proposed settlement allows and encourages significant anticompetitive practices to continue, allows for Microsoft to continue to delay the emergence of competing Windows-compatible operating systems and software.

This settlement should not be adopted without substantial revision.

Sincerely,

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